IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.3226 of 2006

Bhupendra Jagannath Patil — Petitioner
Vs.
State of Maharashtra & ors. — Respondents

Mr.R.K.Mendadkar and Mr.H.N.Mandlik for petitioner.
Mr.R.D.Rane, Govt. Pleader for resp.nos.1 to 3.

CORAM: B.H.MARLAPALLE & J.H.BHATIA,JJ.

December 06, 2006.

P.C.

. When the petition was taken up for hearing on admission on 28/11/2006, the learned counsel for the petitioner sought time of one week to take instructions to withdraw the petition and again on 5/12/2006 adjournment was sought which was granted by way of last chance. We, therefore, proceed to decide the petition on merits.

. The petitioner impugns the order dated 13th February 2006 passed by the respondent no.2 - Caste Scrutiny Committee thereby confirming the order dated 22/8/2005 passed by the Sub Divisional Officer (Respondent no.3) refusing to grant caste certificate to the petitioner as belonging to "Malhar Koli" Scheduled Tribe.

. When the competent authority refuses to issue caste certificate, an appeal lies before the Respondent No.2 - Committee and, therefore, the petitioner had filed an appeal before the Respondent No.2 against the order passed by the Sub Divisional Officer, Alibaug on 22/8/2005. The petitioner was called upon for personal hearing on 23/11/2005 and he submitted in all eight documents. He was also interviewed on the traits, customs and religious practices as followed by the Malhar Koli Scheduled Tribe.

. The school record of the petitioner's father which was available before the Committee indicated that the petitioner's father was born on 16/12/1947 and his caste was recorded as "Hindu Koli (Malhar). The Committee noted that the word "Malhar" was subsequently interpolated in different ink and, therefore, it recorded a finding that originally the petitioner's father's caste was recorded as "Hindu Koli" and not as "Hindu Koli (Malhar)". As per the Committee there was a manipulation in the school record and it also noted that when the petitioner's uncle was admitted in the school on 2/7/1960 a similar entry was made. It was under these

circumstances that the Four Member Committee held that the petitioner could not produce any sufficient documentary evidence in support of his claim that he belongs to the Malhar Koli Scheduled Tribe. Out of the eight documents he submitted before the Committee, none of them pertained to a period prior to the Presidential Order of 1950 and they did not have the due evidentiary value. The view taken by the Committee in the impugned order cannot be termed as perverse or grossly erroneous so as to call for interference therein.

. Hence the petition is rejected summarily.

(J.H.BHATIA,J.) (B.H.MARLAPALLE,J.)